

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

04MBD 10356

MAYTAG CORPORATION,

Plaintiff,

v.

WHIRLPOOL CORPORATION,

Defendant.

Miscellaneous No. \_\_\_\_\_

(USDC – Southern District of Iowa, Central  
Division Case No. 4:03-CV-10568  
Judge Ronald E. Longstaff  
Magistrate Ross A. Walters)

**ORAL ARGUMENT REQUESTED**

**EMERGENCY MOTION TO QUASH THE SUBPOENA OF WILLIAM R. CLARK**

Plaintiff Maytag Corporation hereby moves on an emergency and expedited basis to quash the subpoena of William R. Clark pursuant to Federal Rule of Civil Procedure 45(c)(3)(a), preventing any future deposition of or requests for production of documents from William R. Clark in this matter. As set out more fully in the accompanying brief, the subpoena *decus tecum* served on Mr. Clark in this action seeks only information that is not relevant to any issue in this case and also seeks privileged information. Thus, Defendant Whirlpool Corporation's subpoena subjects Mr. Clark to undue burden in compliance. Indeed, Defendant has failed to show that the deposition of Mr. Clark is proper and necessary. Defendant has recently scheduled the deposition for this Thursday, December 16, 2004, necessitating this emergency motion.

Therefore, Plaintiff requests that this Court quash the subpoena of Mr. Clark and prevent any further deposition of Mr. Clark in this case. A supporting memorandum is filed herewith.

**REQUEST FOR ORAL ARGUMENT**

Plaintiff respectfully requests oral argument on this emergency motion to the extent the Court has questions with its subject matter, the relief sought, or about the underlying litigation pending in the Southern District of Iowa.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John T. Gutkoski", is written over a horizontal line.

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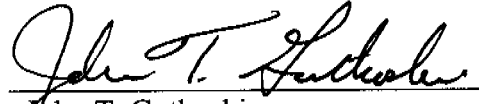
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*ATTORNEYS FOR PLAINTIFF  
MAYTAG CORPORATION*

**LOCAL RULE 7.1(2) CERTIFICATE**

I hereby certify that the parties to this action have conferred but, despite their good faith attempts, have been unable to resolve or narrow the issues raised in this motion.

  
John T. Gutkoski

**CERTIFICATE OF SERVICE**

I hereby declare that the foregoing instrument was served upon the following this

13th day of December 2004, via:

☐ 1<sup>st</sup> Class U.S. Mail    ☐ Federal Express    ☐ Facsimile  
☐ Hand Delivery        ☒ Email (.pdf)

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